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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,002	08/27/2003	Jae-Hwan Kim	678-1006 (P10433)	5919
28249	7590	11/24/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 11/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/649,002		KIM, JAE-HWAN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Dai A. Phuong		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 6 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2005 has been entered.

### ***Response to Amendment***

2. Applicant's arguments, filed 10/30/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claim 5 has been canceled. Claims 1-4 and 6-15 are currently pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim (Pub. No: 20010055038).

Regarding claim 11, Kim discloses a method for organizing a menu in a mobile communication terminal, comprising:

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when a menu is registered by a user, generating a first menu plane including at least one menu registration slot associated with the registered menu; and registering the menu to a menu registration slot of the generated menu plane ([0036] to [0045]).

Regarding claim 12, Kim discloses all the limitation in claim 11. Further, Kim discloses the method further comprising the step of generating a second menu plain including at least one menu registration slot when a menu is additionally registered by the user ([0036] to [0045]).

Regarding claim 15, Kim discloses all the limitation in claim 11. Further, Kim discloses the method wherein the menu selection cursor positioned in said at least one user menu registration slot connected to a registered menu in the plurality of menu planes can move to another menu plane of the plurality of menu planes by selecting a key once ([0036] to [0045]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (Pub. No: 20010055038) in view of Matthews, III et al. (U.S. 5,724,492).

Regarding claim 14, Kim discloses all the limitation in claim 12. However, Kim does not disclose the method further comprising: displaying a moving three-dimensional

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image on a display unit such that a polyhedron including the first and second menu planes is rotated to change its front view from one menu plane to another menu plane, when the menu selection cursor moves to the second menu plane.

In the same endeavor, Matthews, III et al. disclose the method further comprising: displaying a moving three-dimensional image on a display unit such that a polyhedron including the first and second menu planes is rotated to change its front view from one menu plane to another menu plane, when the menu selection cursor moves to the second menu plane (col. 17, lines 45-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile communication terminal of by specifically including displaying a moving three-dimensional image on a display unit such that a polyhedron including the first and second menu planes is rotated to change its front view from one menu plane to another menu plane, when the menu selection cursor moves to the second menu plane, as taught by Matthews, III et al., the motivation being in order to conserve display space and provides contextual clues by providing a three-dimensional menu object.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al. (U.S. 5724492) in view of Aberg (U.S. 6993362).

Regarding claim 1, Matthews, III et al. disclose a device for organizing a menu in a mobile communication terminal (fig. 10, col. 1, lines 61-65 and col. 17, lines 45-55), comprising: a control unit for enabling multi-dimensional navigation between the generated menu planes (col. 20, lines 37-48); and a display unit 155 for receiving the

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menu planes from the control unit and displaying the received menu planes under control of the control unit (col. 20, lines 37-48).

However, Matthews, III et al. do not disclose a control unit for dynamically generating and deleting a plurality of menu planes according to a user's setting, each plane including at least one menu item, wherein when a user registers a menu, the control unit generates a plurality of menu planes including at least one user menu registration slot connected to the registered menu, and, if a menu selection cursor moves from at least one user menu registration slot in a first menu plane of the plurality of menu planes so as to exit the first menu plane, the control unit moves the menu selection cursor to a second menu plane of the plurality of menu planes.

In the same field of endeavor, Aberg discloses a control unit for dynamically generating and deleting a plurality of menu planes according to a user's setting, each plane including at least one menu item, wherein when a user registers a menu, the control unit generates a plurality of menu planes including at least one user menu registration slot connected to the registered menu, and, if a menu selection cursor moves from at least one user menu registration slot in a first menu plane of the plurality of menu planes so as to exit the first menu plane, the control unit moves the menu selection cursor to a second menu plane of the plurality of menu planes (fig. 3, col. 6, line 6 to col. 7, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handheld computer by Matthews, III et al. specifically including disclose a control unit for dynamically generating and deleting a plurality of menu planes according to a user's setting, each plane including at least one

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menu item, wherein when a user registers a menu, the control unit generates a plurality of menu planes including at least one user menu registration slot connected to the registered menu, and, if a menu selection cursor moves from at least one user menu registration slot in a first menu plane of the plurality of menu planes so as to exit the first menu plane, the control unit moves the menu selection cursor to a second menu plane of the plurality of menu planes, as taught by Aberg, the motivation being in order to customize the short menu system and improve menu system for a portable communication apparatus which is easily accessible.

Regarding claim 2, the combination of Matthews, III et al. and Aberg disclose all the limitation in claim 1. Further, Aberg discloses the device wherein a user can add at least one menu item (fig. 3, col. 6, line 6 to col. 7, line 15).

Regarding claim 3, the combination of Matthews, III et al. and Aberg disclose all the limitation in claim 1. Further, Aberg discloses the device wherein a user can delete said at least one menu item (fig. 3, col. 6, line 6 to col. 7, line 15).

Regarding claim 4, the combination of Matthews, III et al. and Aberg disclose all the limitation in claim 1. Further, Matthews, III et al. disclose the device wherein if the number of menu items on one of the plurality of menu planes exceeds a maximum allowable number of menu items, the control unit generates a new menu plane (col. 18, lines 2-8).

Regarding claim 7, the combination of Matthews, III et al. and Aberg disclose all the limitation in claim 1. Further, Aberg discloses the device wherein each menu registration slot in the plurality of menu planes is spatially continuous with and connected

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to a menu registration slot in its neighboring menu plane (fig. 3, col. 6, line 6 to col. 7, line 15).

Regarding claim 8, the combination of Matthews, III et al. and Aberg discloses all the limitation in claim 7. Further, Aberg discloses the device wherein when the menu selection cursor positioned in one of the menu registration slot is moved by the user, the control unit moves the menu selection cursor to a menu registration slot in a menu plane adjacent to the menu registration slot (fig. 3, col. 6, line 6 to col. 7, line 15).

Regarding claim 9, the combination of Matthews, III et al. and Aberg discloses all the limitation in claim 1. Further, Aberg discloses the device wherein selecting a key once moves the menu selection cursor positioned in said at least one user menu registration slot connected to the registered menu in the plurality of menu planes to another menu plane of the plurality of menu planes (fig. 3, col. 6, line 6 to col. 7, line 15).

Regarding claim 10, the combination of Matthews, III et al. and Aberg disclose all the limitation in claim 1. Further, Matthews, III et al. disclose the device wherein when the menu selection cursor moves to the second menu plane, the control unit causes the display unit to display a moving three-dimensional image such that a polyhedron including the first and second menu planes is rotated to change its front view from one menu plane to another menu plane (col. 20, lines 37-48).

#### ***Reasons Subject Matter***

8. Claims 6 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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Regarding claim 6, the prior art record does not disclose nor fairly suggest the device wherein when there is an empty menu registration slot in the new menu plane, **the control unit enables the empty menu item slot to inherit a menu item of a menu registration slot in a previous menu plane, the menu registration slot of the previous menu plane corresponding to the empty menu item slot, and the control unit enables the display unit to display the inherited menu item on the empty menu item slot.**

Regarding claim 13, the prior art record does not disclose nor fairly suggest the method further comprising the step of: if a menu selection cursor moves from said at least one menu registration slot so as to exit the first menu plane of the plurality of menu planes, displaying the second menu plane of the plurality of menu planes; and **if there is an empty menu registration slot in the second menu plane, enabling the empty menu item slot to inherit a menu item of a menu registration slot in the first menu plane corresponding to the empty menu item slot, and displaying the inherited menu item on the empty menu slot.**

### Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

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Date: 11-14-2006



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